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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,087	12/12/2003	Sandra L. Kogan	IBM-004	1597
51835 7590 03/26/2010 IBM LOTUS & RATIONAL SW c/o GUERIN & RODRIGUEZ 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752				
EXAMINER JARRETT, SCOTT L				
ART UNIT		PAPER NUMBER		
3624				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,087

Applicant(s)

KOGAN ET AL.

Examiner

SCOTT L. JARRETT

Art Unit

3624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-12 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 11/15/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's amendment filed February 23, 2010. Applicant's amendment amended claims 1, 10 and 18 and canceled claims 8, 9, 13-17, 22-29. Currently claims 1-7, 10-12 and 13-21 are pending.

Response to Amendment

2. The 35 U.S.C. 101 rejection of claims 18-22 is withdrawn in response to Applicant's amendments to claims 18.

The 35 U.S.C. 101 rejection of claims 1-7 is not withdrawn.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Response to Arguments

3. Applicant's arguments with respect to claims 1-7, 10-12 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that the officially cited facts in the previous office action as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention to utilize weblog (blogs, bulletin boards, message boards, etc.) when managing projects as more specifically to provide a feed to an aggregator, the aggregator receiving entries from a weblog wherein the feed comprises provided an RSS feed from a plurality of weblogs for syndication is old and

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very well known wherein such aggregators/RSS feeds provide a simple way to keep users informed of changes in a plurality of web sites, blogs, weblogs or other online content.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 recites the limitation "the personal weblog" in 10. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claim to read a personal weblog for the purposes of examination. Appropriate correction required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See *Benson*, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines. '); *Diehr*, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also *Flook*, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); *Cochrane v. Deener*, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').⁷ A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a

fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." (In re Bilski, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008)).

Also noted in Bilski is the statement, "Process claim that recites fundamental principle, and that otherwise fails 'machine-or-transformation' test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere 'insignificant post-solution activity.'" (In re Bilski, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test. Please refer to the USPTO's "Guidance for Examining Process Claims in view of In re Bilski" memorandum dated January 7, 2009, http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf .

It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals

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Informative Opinion Ex parte Langemyr et al. (Appeal 2008-1495),

<http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf> .

Claims 1-7 are not tied to a particular machine or apparatus nor do they transform a particular article into a different state or thing, thereby failing the machine-or-transformation test; therefore, claims 1-7 are non-statutory under § 101.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-7, 10-12 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Project 2000 as evidenced by at least Pyron et al., Using Microsoft Project 2000 (2000; MS Project) in view of Clark, U.S. Patent No. 7,062,449.

Regarding Claims 1, 10, and 18 MS Project teaches a system and method for tracking the status of a workflow (project) comprising:

- instantiating (starting, invoking, enacting, executing, etc.) an instance of a workflow (project) by a user (e.g. project manager), the user being associated with a role in the workflow (e.g. project management, team member/resource, etc.) having a plurality of workflow steps (e.g. project manager vs. team member, etc.; Figures 15.5 – project members posting project tasks/workflow step status; Bullets 1, 3-5, Page 22; Figures 15.3, 15.4, 15.5; Personal Gantt, Figures 15.3, 15.45);

- generating a weblog (log, journal, diary, web page/site, posting, discussion board, bulletin board, threaded discussion, etc.) to track an instance of the workflow (project; e.g. Project Central Home Page, messages, posted actions, tasks, etc.; Bullets 1, 3-5, Page 22; Figures 15.3, 15.4, 15.5), - assigning the at least one member to the

weblog (e.g. personal home/project page, workgroups; TeamAssign; Steps 1-6, Pages 108-109; Figures 15.6, 15.8-15.9, 15.45);

- the weblog accessible to weblog (team/project) members wherein members have the ability to post and view workflow status and weblog comments (notes; TeamUpdate, Team Status Update, Timesheet – all update project and task status on the project central web site; Steps 1-4, Page 31; Figures 15.17-15.19; 15.28-15.29, 15.36; project task, Team Status; Steps 1-4, Pages 25-26; Pages 117, 122; Figure 15.15-15.17; Figure 15.36 – responding to a status report);

- posting an entry in the weblog to indicate that a workflow action (project task) has occurred wherein the entry being physically viewable on a display device to weblog members (TeamUpdate, Team Status Update, Timesheet; Paragraph 1, Page 118; Steps 1-4, Page 31; Figures 15.17-15.19; 15.28-15.29, 15.36).

- a display screen, input device and server (website – project central server – browser; Figures 15.3, 15.10).

Figure 15.3. The Project Central home page provides an overview of messages, tasks, and status

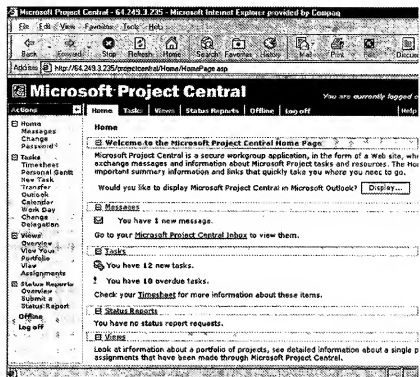
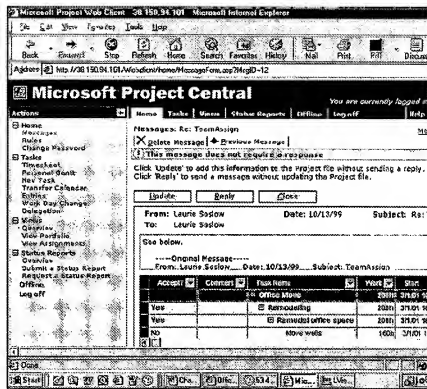


Figure 15.13. The project manager receives this message when a task assignment is declined via Project C



MS Project does not expressly teach automatically posting an entry in the weblog to indicate that a workflow action as occurred, the entry being physically viewable on a display device to weblog members as claimed.

Clark teaches a system and method for tracking the status of a workflow comprising automatically determining, updating and posting (notifying, logging, recording, etc.) when workflow action status change - specifically automatically logging when a workflow action is completed (Column 13, Lines 5-43; Figure 11, Elements 400, 410) in an analogous art of workflow status/progress tracking for the purpose of

obtaining real-time and/or accurate workflow action status (Column 1, Lines 60-68; Column 13, Lines 30-36).

It would have been obvious to one skilled in the art at the time of the invention that they system and method for tracking status of a workflow as taught by MS Project would have benefited from automatically posting an entry in the project to indicate that a workflow action has occurred in view of the teachings of Clark; the resultant system and method enabling users to automatically obtain real-time project status (Clark: Column 1, Lines 60-68).

Further since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Additionally it is noted that it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of posting an entry in the weblog to indicate that a workflow action has occurred gives you just what you would expect from the manual step as shown in MS Project. In other words there is no enhancement found in the claimed step. The claimed scoring step only provides automating the manual activity. The end result is the same as compared

to the manual method. A computer can simply iterate the steps faster. The result is the same.

Accordingly it would have been obvious to a person of ordinary skill in the art at the time of the invention to automate the posting an entry in the weblog to indicate that a workflow action has occurred step because this would speed up the process of matching policies with customers, which is purely known, and an expected result from automation of what is known in the art.

While MS project teaches controlling access privileges to the system/method for tracking workflow status (login/password; Figure on Page 2) neither MS Project nor Clark expressly teach a first set of weblog members with view only permissions/privileges and a second set of weblog members with view and post (edit) permissions/privileges as claimed.

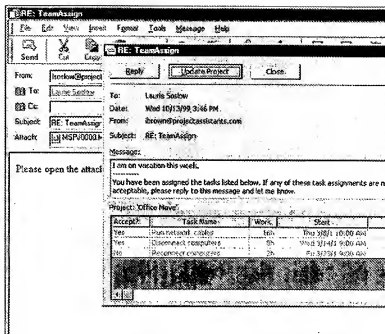
Official notice is taken that it is old and very well known to enable varying levels of permissions, privileges, authorizations and/or access to various groups (roles) of weblog members (e.g. readers vs. authors, blog members vs. owners, etc.). As evidenced by at least the following references:

- Web Crossing, Inc. Releases New Weblog Plug-in (Paragraph 1, Page 1; Paragraphs 1, 3, Page 2);
- Lindahl et al., Weblogs: Simplifying Web Publishing (Last Bullet, page 115)

- Doctorow et al., Essential Blogging (Last Three Paragraphs, Page 59; Last Paragraph, Page 60; Last Paragraph, Page 119; Paragraphs 1, 3, Page 120; Figures 3-18, 5-25)

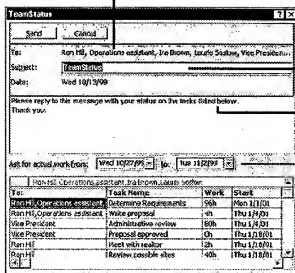
It would have been obvious to one skilled in the art at the time of the invention that the system and method for tracking the status of a workflow via a weblog as taught by MS Project and Clark would have benefited from the well know practice of access, privilege, permission control of a weblog wherein a first set of weblog members have view only permissions/privileges and a second set of weblog members with view and post (edit) permissions/privileges in view of the teachings of official notice since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 2 MS Project teaches a system and method for tracking the status of a workflow wherein the workflow action comprises the completion of a workflow step (project task, Team Status; Steps 1-4, Pages 25-26; Pages 117, 122; Figure 15.15-15.17; Figure 15.36 – responding to a status report).



Updating the Project Plan with TeamAssign Replies

Team members receiving the TeamStatus message



Subject default but can be modified

Modify or expand message text,

Adjust the time if necessary.

Regarding Claim 3 MS Project teaches a system and method for tracking the status of a workflow wherein the workflow action comprises the execution of a workflow exception (status report: hot issues, change requests; late tasks, etc.; Figures 15.21, 15.34, 15.39).

Figure 15.21. This icon displays the tracking status of the task.

	Phase One	Widget One	32h
	Design	Widget One	8h
	A status update for this task has been sent to Ira Brown but has not yet been updated in the project.	Widget One	8h
	This task was scheduled to finish on 10/6/99 5:00 PM but it has not yet been completed	Widget One	8h

Regarding Claims 4 and 19 MS Project teaches a system and method for tracking the status of a workflow further comprising posting an entry in a personal weblog (journal, diary, web page/site/form, discussion board, bulletin board, etc.) to indicate that the workflow action (project task) has occurred (TeamUpdate, Team Status Update, Timesheet – all update project and task status on the project central web site; Steps 1-4, Page 31; Figures 15.17-15.19; 15.28-15.29, 15.36).

Figure 15.20. This message alerts you that the update has been successfully sent to the proje



Regarding Claims 7, 11, and 21 28 MS Project teaches a system and method for tracking the status of a workflow wherein the posting of an entry in the workflow weblog (project central web site) is made in response to a posting of an entry in a personal weblog (e.g. project team members updated their personal Gantt chart and/or project tasks via their personal project home page which in turn updates the entire project website/log; TeamStatus; Steps 1-4, Pages 25-26; Pages 117, 122; Figure 15.15-15.17; Figure 15.36 – responding to a status report).

Regarding Claims 8-9, and 17 MS Project teaches a method and system for tracking the status of a workflow further comprising limiting viewing of the contents of the weblog to a plurality of predetermined users wherein the predetermined users comprise at least one of the at least one members assigned to the weblog (access control, login, etc.; Figure on Page 20).

Regarding Claims 5-6, 12, 15, 20 and 27 MS Project teaches a system and method for tracking the status of a workflow further comprising aggregating the received entries into a weblog (Microsoft Project Central Home Page, Project Plan, etc.) as discussed above.

MS Project does not expressly teach providing a feed to an aggregator wherein the feed comprises an RSS feed from a plurality of weblogs for syndication.

Official notice is taken that providing a feed to an aggregator, the aggregator receiving entries from a weblog wherein the feed comprises provided an RSS feed from a plurality of weblogs for syndication is old and very well known wherein such aggregators/RSS feeds provide a simple way to keep users informed of changes in a plurality of web sites, blogs, weblogs or other online content.

Support for this officially cited fact can be found in at least the following references:

- White, CMS Implementation-project management (2002; "There is reasonable justification with a project of this scope to use some form of collaborative platform and I have seen a Weblog used quite effectively to keep everyone on a project team informed and involved."; Last Paragraph, Page 3);
- Gillmor, RSS Starting to catch on (2003; Column 2, Paragraphs 1-2; Column 3, Last Two Paragraphs, Page 19); and
- Arnold, Social Software (2003; Column 1, Last Paragraph; Column 2, Paragraph 1, Page 30).

It would have been obvious to one skilled in the art at the time of the invention that the online (web) system and method for tracking the status of a workflow as taught by the combination of MS Project and Clark would have benefited from utilizing web feeds/syndication (e.g. RSS) to provide team members with a summary of changes to

the MS Project Central web site/pages (weblog) thereby enabling them to keep current on the projects status/progress and/or other new project-related information.

10. Claims 1, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwanke, U.S. Patent Publication No. 2003/008508 in view of Udell, Telling a Story (2001) and further in view of Doctorow et al., Essential Blogging (2002).

Regarding Claims 1, 10 and 18 Schwanke teaches a system and method for tracking the status of a workflow (abstract) comprising:

- instantiating an instance of a workflow by a user, the user being assigned to a role in the workflow (Paragraphs 6, 41, 86), the workflow having a plurality of steps (Paragraphs 6-8);
- tracking the status and communicating (notifying) the status (e.g. completion of a workflow step/activity/state) an instance of the workflow (status/state tracking; Abstract; Paragraphs 6, 15, 25; Claim 25; Figure 3) the communication being physically viewable on a display device to workflow members (roles, participants);

While the use and management of weblog (blogs, bulletin boards, web site postings, forums) is old and well known in project management Schwanke does not expressly teach employing an application to cause communication between the workflow and the weblog to automatically post an entry in the weblog to indicate that a workflow action has occurred as claimed.

Udell, teaches employing an application (to cause communication between the workflow (project) and the weblog to automatically post an entry in the weblog to indicate that a workflow action has occurred (Figure on Page 3; Bullets 1-3, Last Paragraph, Page 3; Paragraphs 2, 4, Bullet 5, Page 4).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for tracking the status of a workflow as taught by Schwanke with its ability to automatically communicate the state/status of the workflow would have benefited from utilizing any of a plurality of well known communication methods (email, bulletin boards, etc.) including but not limited to weblogs in view of the teachings of Udell, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

While it is old and very well known that weblog systems enable varying levels of permissions, privileges, authorizations and/or access to various groups (roles) of weblog members (e.g. readers vs. authors, blog members vs. owners, etc.). As evidenced discussed above, neither Schwanke nor Udell expressly teach managing weblog member permissions as claimed.

Doctorow et al. teach a system and method for creating and managing Weblogs comprising making the weblog accessible to weblog members, first weblog members with permissions to view weblog information and second weblog members with permissions to view weblog information as well as view and post weblog comments (Last Three Paragraphs, Page 59; Last Paragraph, Page 60; Last Paragraph, Page 119; Paragraphs 1, 3, Page 120; Figures 3-18, 5-25).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for tracking workflow status as taught by the combination of Schwanke and Udell, with its ability to communicate (post) workflow status information on a weblog would have benefited from managing weblog member permissions in view of the teachings of Doctorow et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3624